



Richland County Council

REGULAR SESSION
June 20, 2017 – 6:00 PM
Council Chambers

COUNCIL MEMBERS PRESENT: Joyce Dickerson, Chair; Bill Malinowski, Vice Chair; Calvin “Chip” Jackson; Norman Jackson; Gwendolyn Davis-Kennedy; Paul Livingston; Jim Manning; Yvonne McBride; Dalhi Myers; Greg Pearce; and Seth Rose

OTHERS PRESENT: Gerald Seals, Brandon Madden, Jamelle Ellis, Tracy Hegler, Beverly Harris, Larry Smith, Sandra Yudice, Ismail Ozbek, Chad Fosnight, Brad Farrar, Bill Peters, Tamara Rodriguez, Tony Edwards, Brittany Hoyle, and Kimberly Williams-Roberts

CALL TO ORDER – Ms. Dickerson called the meeting to order at approximately 6:00 PM.

INVOCATION – The invocation was led by the Honorable Dalhi Myers

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was led by the Boy Scout Troop from Bethel Methodist Church.

APPROVAL OF MINUTES

- a. Regular Session: June 6, 2017 – Mr. Manning moved, seconded by Ms. Myers, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Smith stated the “Introduction of Financial Advisor” should be under the Report of the County Administrator and instead the Report of the County Attorney.

Mr. Manning requested Item 17(a) Program Intern Introductions be moved up on the agenda to become Item 6(e).

Mr. Pearce moved, seconded by Mr. Malinowski, to adopt the agenda as amended. The vote in favor was unanimous.

PRESENTATION OF RESOLUTIONS AND PROCLAMATIONS

- a. Resolution recognizing New Light Beulah Baptist Church’s 150 Years of Service to the Community – Mr. N. Jackson presented a resolution recognizing New Light Beulah Baptist Church’s 150 years of service to the community to a representative of New Light Beulah Baptist Church.
- b. Safety Week Proclamation – Mr. Malinowski presented Ms. Hoyle and Ms. Rodriguez with a proclamation in honor of Employee Safety Week.

- c. Henry Robertson's "Safety Star of the Year 2017" – Ms. Dickerson presented Mr. Henry Robertson with a proclamation recognizing him as the "Safety Star of the Year 2017".
- d. Proclamation recognizing Robert Harris as Hand Middle School's "Teacher of the Year" – Ms. Myers presented a proclamation to Mr. Robert Harris recognizing him as Hand Middle School's "Teacher of the Year"
- e. Transportation Program Intern Introductions – Mr. Manning introduced the Transportation Program interns to Council.

POINT OF PERSONAL PRIVILEGE – Mr. N. Jackson recognized that former Councilmember Damon Jeter was in the audience.

PRESENTATIONS

- a. Palmetto Health – Mr. Chuck Beaman, CEO, requested Council's approval to allow Palmetto Health to participate with the Greenville Health System in creating a new non-profit healthcare company that is South Carolina based. The new Health Company will shape and lead the future of healthcare for all of the citizens. A resolution outlining the particulars of the transaction was included in the agenda packet. Palmetto Health will remain with its current board structure fully intact. The Richland Memorial Hospital Board and the Baptist Healthcare System Board will remain fully intact. Richland County Council will continue to appoint the Richland Memorial Hospital Board members. The Richland Memorial Hospital Board will continue to elect (6) members to the Palmetto Board. The Palmetto Health lease with the County remains with all of the current obligations intact for the remainder of the lease period, which is 31 more years.
- b. SC Association of Counties Safety Award – Mr. John Henderson, South Carolina Association of Counties' Director of Risk Management Services, presented the County with the Outstanding Safety Achievement Award for the Safety Week activities last June.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

- a. Palmetto Health Affiliation Agreement
- b. Potential Property Acquisition: Contractual Matter
- c. Potential Property Purchases (2): Contractual Matter
- d. Status Update: Program Bonding
- e. Financial Audit: Contractual Matter

Status Update: Program Bonding – Mr. Manning moved, seconded by Mr. C. Jackson, to schedule a workshop relating to program funding and bonding and any potential program funding deficits, as it relates to the PDT and its past, current and future projects.

FOR
Pearce
Rose
C. Jackson
N. Jackson
Malinowski
Dickerson
Livingston
Kennedy
Myers
Manning
McBride

AGAINST

The vote in favor was unanimous.

CITIZENS INPUT: For Items on the Agenda Not Requiring a Public Hearing – Mr. Stephen Puolus spoke about being asked an embarrassing question by a doctor at Palmetto Richland.

Mr. Darrell Betterson spoke about the flooding at Alexander Pointe.

REPORT OF THE COUNTY ADMINISTRATOR

- a. Financial Audit: Contractual Matter – This item was taken up in Executive Session.
- b. Introduction of Financial Advisor – Mr. Seals introduced Southern Municipal Advisors to Council as the County’s Financial Advisor.

REPORT OF THE CLERK OF COUNCIL

- a. Korean War Recognition Ceremony, June 24, 11:00 AM, Dorn VA Medical Center – Ms. Roberts reminded Council of the upcoming Korean War Recognition Ceremony on June 24th.
- b. County Council Workshop, June 27, 11:00 AM – 2:00 PM, Columbia Museum of Art – Ms. Roberts reminded Council of their workshop on June 27th.
- c. BUDGET REMINDER: Budget Public Hearing, July 11, 5:00 PM – Ms. Roberts reminded Council of the upcoming Budget Public Hearing on July 11 at 5:00 PM.
- d. July Meeting Schedule: July 11 – Special Called County Council Meeting; July 25 – Committees and Zoning Public Hearing – Ms. Roberts reminded Council of the upcoming Special Called Council meeting at 6:00 PM on July 11th and the committees meetings and Zoning Public Hearing on July 25th. 1
- e. BUDGET REMINDER: Third Reading of Second Year of Biennium Budget I: FY 2019 Budget Ordinance, July 13, 6:00 PM – Ms. Roberts reminded Council of the 3rd Reading of the 2nd Year of Biennium Budget on July 13th at 6:00 PM.

REPORT OF THE CHAIR

- a. Summit Update – Ms. Dickerson stated the “Moving Together” Summit was a very successful event and thanked Mr. N. Jackson for his attendance at the event.

- b. NOBCO Conference Update – Ms. Dickerson stated the NOBCO Conference was a successful Economic Development trip.

OPEN/CLOSE PUBLIC HEARINGS

- a. An Ordinance Authorizing the execution and delivery of a Fee in Lieu of Tax Agreement by and between Richland County and Hengshi USA Windpower Materials Corporation (Project Feng) (the “Company”); the execution and delivery of an Infrastructure Finance Agreement by and between Richland County and the Company; the execution and delivery of such documents as may be necessary to effect the intent of this ordinance; and other matters related thereto – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- a. 17-012MA, Matt Mungo, RU to RS-MD (65.4 Acres), North Pines Road, TMS # R14800-04-18 [THIRD READING]
- b. An Ordinance authorizing deed to the City of Columbia for certain water lines to serve the Ballentine Branch Library, Dutch Fork Road; Richland County TMS # 03303-01-06 & 02 (portion) [SECOND READING]

Mr. Livingston moved, seconded by Mr. Manning, to approve the consent items.

<u>FOR</u>	<u>AGAINST</u>
Pearce	
Rose	
C. Jackson	
N. Jackson	
Malinowski	
Dickerson	
Livingston	
Kennedy	
Myers	
Manning	
McBride	

The vote in favor was unanimous.

ORDINANCES – SECOND READING

- a. An Ordinance Amending the Fiscal Year 2016-2017 General Fund Annual Budget to appropriate Four Hundred Thirty Three Thousand Nine Hundred Eighty-Eight Dollars (\$433,988) to increase funding to the Board of Voter Registration & Elections Department so as to credit received reimbursement amounts for cost of conducting elections – Ms. Myers moved, seconded by Ms. Kennedy, to approve this item.

Mr. Malinowski stated he had requested the information on p. 33 of the agenda, but had not had time to review the information. Therefore, he voted against this item on Second Reading.

FOR
Pearce
Rose
C. Jackson
N. Jackson
Dickerson
Livingston
Kennedy
Myers
Manning
McBride

AGAINST
Malinowski

The vote was in favor.

- b. An Ordinance Authorizing the lease of certain property from the County of Richland to Frank's Express Car Wash of N. E., Inc. pursuant to S. C. Code Ann. 4-9-30(2) – Mr. Manning moved, seconded by Mr. Pearce, to approve this item.

FOR
Pearce
Rose
C. Jackson
N. Jackson
Malinowski
Dickerson
Livingston
Kennedy
Myers
Manning
McBride

AGAINST

The vote in favor was unanimous.

REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE

- a. An Ordinance Authorizing the execution and delivery of a Fee in Lieu of Tax Agreement by and between Richland County and Hengshi USA Windpower Materials Corporation (Project Feng) (the "Company"); the execution and delivery of an Infrastructure Finance Agreement by and between Richland County and the Company; the execution and delivery of such documents as may be necessary to effect the intent of this ordinance; and other matters related thereto [THIRD READING] – Mr. Livingston stated the committee's recommendation is for approval.

FOR

Pearce
Rose
C. Jackson
N. Jackson
Malinowski
Dickerson
Livingston
Kennedy
Myers
Manning McBride

AGAINST

The vote in favor was unanimous.

- b. Committing to negotiate a Fee-in-Lieu of ad valorem taxes agreement between Richland County and Hengshi USA Materials Corporation; identifying the project; and other matters related thereto – Mr. Livingston stated the committee’s recommendation is for approval.

FOR

Pearce
Rose
C. Jackson
N. Jackson
Malinowski
Dickerson
Livingston
Kennedy
Myers
Manning
McBride

AGAINST

The vote in favor was unanimous.

- c. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of an Infrastructure Credit Agreement to provide for infrastructure credits to 209 Stoneridge, LLC; and other related matters – Mr. Livingston stated the committee’s recommendation is for approval.

Mr. Malinowski inquired if additional information will be provided to Council on this item.

Mr. Ruble stated this is an abandoned building credit situation where a company came in and are rehabbing a building off Stoneridge Drive. The abandoned building credit is a cumbersome economic development tool, so the County is offering to set up a Special Source Revenue Credit to compensate the company.

FOR

Pearce
Rose
C. Jackson
N. Jackson
Malinowski
Dickerson
Livingston
Kennedy
Myers
Manning
McBride

AGAINST

- d. An Ordinance Authorizing the execution and delivery of a Fee-in-Lieu of taxes and Special Source Revenue Credit Agreement between Richland County, South Carolina and Project Aegis (the "Company") in connection with the Company's project in Richland (the "Project"); the execution and delivery of one or more grant agreements relating to the Project; the provision by the County of certain infrastructure in support of the Project; and matters relating thereto [FIRST READING BY TITLE ONLY] – Mr. Livingston stated the committee's recommendation is for approval.

FOR

Pearce
Rose
C. Jackson
N. Jackson
Malinowski
Dickerson
Livingston
Kennedy
Myers
Manning
McBride

AGAINST

The vote in favor was unanimous.

- e. An Ordinance Authorizing the conveyance of certain real property by the County in connection with Project Aegis; and matters relating thereto – Mr. Livingston stated the committee's recommendation is for approval.

FOR

Pearce
Rose
C. Jackson
N. Jackson
Malinowski
Dickerson
Livingston
Kennedy
Myers
Manning
McBride

AGAINST

The vote in favor was unanimous.

- f. Authorizing the execution and delivery of a fee-in-lieu of ad valorem tax and incentive agreement by and between Richland County, South Carolina and (Project Red River) to provide for payment of a fee-in-lieu of taxes; authorizing certain infrastructure credits; and other related matters [FIRST READING BY TITLE ONLY] – Mr. Livingston stated the committee’s recommendation is for approval.

FOR

AGAINST

Pearce
Rose
C. Jackson
N. Jackson
Malinowski
Dickerson
Livingston
Kennedy
Myers
Manning
McBride

The vote in favor was unanimous.

REPORT OF THE TRANSPORTATION AD HOC COMMITTEE

- a. Mitigation Bank: Excess Credit Sales – Mr. Manning stated the committee recommend the sale of excess mitigation bank credits as presented. The funds received will go back into the Transportation Penny.

FOR

AGAINST

Pearce
Rose
C. Jackson
N. Jackson
Malinowski
Dickerson
Livingston
Kennedy
Myers
Manning
McBride

The vote in favor was unanimous.

- b. Decker Boulevard Neighborhood Improvement Project: Executive Summary – Mr. Manning stated the committee’s recommendation is to move forward with Decker Boulevard Neighborhood Improvement Project as presented.

Mr. Malinowski stated it was his understanding the committee recommended approval of the Executive Summary, but there were several questions at the committee meeting that have not been answered to date.

Mr. Manning stated the question raised at the committee meeting was whether in a master plan funding could be used to bury utilities and if Council had taken this matter up. After meeting with the County Attorney, it was determined there was no record in the minutes in which this item was taken up by Council.

Mr. Malinowski stated he made the following inquiries at the committee meeting:

1. Why if the comments were split equally on undergrounding or not undergrounding it was recommended to underground;
2. Why the recommendation was for planted medians when the majority did not desire planted medians;
3. Why a budget for the project was not included in the agenda packet?

Mr. Malinowski also stated Mr. Livingston requested the balance of the Neighborhood Improvement Projects.

Mr. Malinowski moved, seconded by Mr. Manning, to defer until the July 11th Council meeting to allow time to provide the answers to the questions from the Transportation Ad Hoc Committee meeting.

<u>FOR</u>	<u>AGAINST</u>
Pearce	
Rose	
C. Jackson	
N. Jackson	
Malinowski	
Dickerson	
Livingston	
Kennedy	
Myers	
Manning	
McBride	

The vote in favor was unanimous.

- c. Clemson Road Widening Project: Right-of-Way Acquisition – Mr. Manning stated the committee recommended moving forward as discussed with the committee.

<u>FOR</u>	<u>AGAINST</u>
Pearce	
Rose	
C. Jackson	
N. Jackson	
Malinowski	
Dickerson	
Livingston	
Kennedy	
Myers	
McBride	

The vote in favor was unanimous.

- d. I move to direct staff to immediately make efforts to acquire property along Rabbit Run in conjunction with the Southeast Richland Neighborhood Project, a Transportation Program Project. This acquisition whether through eminent domain action will provide an opportunity to make immediate drainage improvements. Currently, County residents residing in neighborhoods such as Alexander Pointe suffer flooding and road closures during heavy rain events. Furthermore, I request this item to be routed to the next Transportation Ad Hoc Committee for consideration so that it may be acted on by Council before summer recess [N. JACKSON] – Mr. Manning stated the committee recommended for staff to continue with right-of-way acquisition negotiations for the tract and Council be presented with the follow-up of the negotiations.

Mr. Malinowski requested staff to determine if the developer is responsible for the flooding in this area if the costs of the repairs can either be recouped from the developer or the developer be required to repair the road.

Mr. N. Jackson stated he has a motion that addresses the developer and the property manager. The developer for developing a storm drainage system that was never approved by the County that is causing all the problems.

FOR
Pearce
Rose
C. Jackson
N. Jackson
Malinowski
Dickerson
Livingston
Kennedy
Myers
Manning
McBride

AGAINST

The vote in favor was unanimous.

OTHER ITEMS

- a. Council FY2017 Donations – Mr. Seals stated staff reviewed the expenditures through June 5, 2017 and there were some donations not approved by full Council, which is required.

Ms. Myers inquired as to the reason for this item being on the agenda since it is the Council member's individual discretionary funds and not Hospitality Tax funds. In addition, she stated the donation listed under her name was incorrect.

Mr. Smith stated in 2014 Council adopted a policy of having the discretionary fund expenditures of the individual Council members come before Council for approval by the body. Although they are the individual Council members' expenditures, there is still a requirement for full Council to approve the use of those funds in any particular instance based upon the policy adopted by Council.

Mr. Manning moved, seconded by Ms. Kennedy, to approve this item and have the A&F Committee to revisit the policy moving into the new fiscal year.

Mr. Pearce requested a friendly amendment to have Legal research the State’s statute on this matter prior to it being brought to the A&F Committee for vetting, as that was the reason for the implementation of the policy.

Mr. Rose stated he assumed the funds had been provided to the entities.

Mr. Seals stated this item amounts to a “clean-up”.

Mr. N. Jackson stated it was his understanding Council developed a motion during the budget process to prevent having to come back every time a Council member wishes to disperse their discretionary funds.

Mr. Smith stated he is not familiar with the motion, but he does not know that each time there is an expenditure of the discretionary funds it has to come back to Council. At some point and time, there is a report by Finance about the expenditures and those matters come before Council to be approved.

To address Mr. Pearce’s friendly amendment, there is a State law that requires this but the County did not have a policy to implement the law.

Mr. Seals stated he will provided a complete list of discretionary account expenditures as requested by Mr. N. Jackson.

Mr. Malinowski stated the explanation on why certain items are on the list for approval and the State law requirements are all outlined in the agenda documentation.

<u>FOR</u>	<u>AGAINST</u>
Pearce	Rose
C. Jackson	Malinowski
N. Jackson	
Dickerson	
Livingston	
Kennedy	
Myers	
Manning	
McBride	

The vote was in favor.

- b. Council Chambers Renovation – Mr. Seals stated included in the agenda packet is a request of action to authorize the construction contract with Solid Structures in the amount of \$1,133,441. The project contingency would be in the amount of \$113,344.

Mr. Livingston moved, seconded by Mr. C. Jackson, to approve the request.

Mr. Malinowski requested to see bids prior to approving the request.

Mr. C. Jackson requested to also see the bids. In addition he would like to see the bid details (i.e. audio/visual allowance, base bid, etc.).

Mr. Livingston inquired as to where Solid Structures is located.

Mr. Fosnight stated Solid Structures

FOR
N. Jackson
Dickerson
Livingston
Myers
McBride

AGAINST
Pearce
Rose
C. Jackson
Malinowski
Manning

The motion failed.

Mr. C. Jackson stated he would like for the matter to be reconsidered once the information he requested has been received.

CITIZENS' INPUT: Must Pertain to Richland County Matters Not on the Agenda – Mr. Toney Forrester spoke regarding a concern with the Sheriff's Department.

Mr. Seals stated he was handed a note and apparently the vote on the Council renovations item was 6-4.

Ms. Roberts was requested to read back the names of the Council members that voted in favor.

POINT OF ORDER – Ms. Dickerson was requested to redo the vote.

Mr. N. Jackson inquired if a Council member did not raise their hand to vote how their vote would be recorded.

Mr. Smith stated if a Council member does not raise their hand their vote is counted with the majority.

Mr. Livingston moved, seconded by Mr. N. Jackson, to reconsider the motion.

Mr. Malinowski stated since there is a question regarding the original vote that the item be deferred and request the Clerk's Office to bring back the vote at the next Council meeting.

Mr. Malinowski moved, seconded by Mr. Livingston, to defer this item to allow the Clerk's Office time to review the vote.

FOR
Pearce
Rose
C. Jackson
Malinowski
Dickerson
Livingston
Myers
Manning
Kennedy
McBride

AGAINST

The vote in favor of deferral was unanimous.

EXECUTIVE SESSION

Mr. Pearce moved to have the Palmetto Health Affiliation Agreement PowerPoint presentation in the Anteroom (Executive Session location).

FOR
Pearce
Rose
C. Jackson
N. Jackson
Malinowski
Dickerson
Livingston
Kennedy
Myers
McBride

AGAINST
Manning

The vote was in favor of having the PowerPoint presentation by Palmetto Health in the Anteroom (Executive Session location).

The vote in favor of going into Executive Session was unanimous.

- a. Palmetto Health Affiliation Agreement – Mr. Pearce moved, seconded by Mr. Malinowski, to defer action on this item until after the work session on June 27th at 4:00 PM. The vote in favor was unanimous.
- b. Potential Property Acquisition: Contractual Matter – Mr. Livingston moved, seconded by Mr. Rose, to proceed with the sale of the property and direct the proceeds to go toward the Richland Library.

Mr. Malinowski made a substitute motion, seconded by Mr. C. Jackson, to divide the question.

Mr. Pearce inquired about the reason for dividing the question.

Mr. Malinowski stated there was some question about how much of the proceeds, if any, should go to the library based upon the motion at was made in the budget process. The library received a rather large amount of money toward building.

Mr. Rose stated there seems to be some confusion based upon Mr. Malinowski’s comments. There was an initial sale of this property that fell through. The library knew what the revenue from the sale was going to be and the Board had already planned to allocate those revenues to the Edgewood Library. There is a second sale of property, which they have planned to use the revenue from to build the Edgewood Library. This will be a historic event for this community that desperately needs a library. By backing these funds out it would cause a shortage of what the revenues would produce. The motion during the budget process addressed a shortfall, but that shortfall will increase because of the loss of revenue from this property.

Mr. Malinowski stated he never received any figures on the building of the Edgewood Library. In addition, the first time Council was to vote on the sale of the property it was not disclosed where the proceeds were to go.

Mr. C. Jackson stated although it may have been the intention of the library to receive the funds, it was not expressed.

Mr. N. Jackson inquired if the City of Columbia would be providing funding for this also.

Ms. Dickerson stated she has not been provided a budget to show how much the library is going to cost.

Mr. C. Jackson made a second substitute motion, seconded by Mr. Malinowski, to approve the recommendation for the sale of the property, which Mr. Seals will be responsible to execute, and defer the determination of the sale proceeds until the property has been sold.

<u>FOR</u>	<u>AGAINST</u>
C. Jackson	Pearce
N. Jackson	Rose
Malinowski	Livingston
Dickerson	Kennedy
Myers	Manning
McBride	

The vote was in favor of the second substitute motion.

- c. Potential Property Purchases (2): Contractual Matter – No action was taken.
- d. Financial Audit: Contractual Matter – Mr. Smith stated this matter was discussed at the last Council meeting wherein Council requested additional information regarding the firm. The information was forwarded to Council.

Mr. Manning moved to go back into Executive Session to receive additional information regarding this matter.

Mr. N. Jackson moved to approve the Administrator’s recommendation. The motion dies for lack of a second.

<u>FOR</u>	<u>AGAINST</u>
Malinowski	C. Jackson
Dickerson	N. Jackson
Livingston	
Rose	

The vote was in favor of going back into Executive Session to receive additional information on this item.

Mr. Pearce moved, seconded by Mr. Malinowski, to hire the audit firm recommended by the Administrator on a one-year basis trial. The vote in favor was unanimous.

MOTION PERIOD

- a. Move that Council direct the legal department to work with the Coroner to develop an Ordinance for Council consideration that addresses Richland County having to bear the costs of burial of out of county residents who are sent to hospice programs within Richland County with no prior arrangements made for these expenses [PEARCE] – This item was referred to the Legal Department.

- b. Honoring Larry Livingston for 40 years of dedicated service with Transdev for the CMRTA/COMET for the citizens of Columbia and Richland County if our mass transit system [N. JACKSON] – Mr. Pearce moved, seconded by Mr. N. Jackson, to adopt a resolution for Mr. Larry Livingston. The vote in favor was unanimous.

ADJOURNMENT – The meeting was adjourned at approximately 9:39 PM.

X

Joyce Dickerson
Chairwoman

X

Bill Malinowski
Vice Chair

X

Calvin "Chip" Jackson
District Nine

X

Norman Jackson
District Eleven

X

Gwendolyn Kennedy
District Seven

X

Paul Livingston
District Four

X

Jim Manning
District Eight

X

Yvonne McBride
District Three

X

Dalhi Myers
District Ten

X

Greg Pearce
District Six

X

Seth Rose
District Five

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council